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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before the  
**Federal Communications Commission**

Washington, D.C. 20554  
DOCKET FILE NO. 93-61 ORIGINAL

In the Matter of )  
)  
Amendment of Part 90 of the )  
Commission's Rules to Adopt )  
Regulations for Automatic Vehicle )  
Monitoring Systems )

PR Docket No. 93-61

**Reply to Opposition**

Amtech Corporation ("Amtech"), by its attorneys, pursuant to Section 1.429 of the Commission's Rules, hereby replies to the Consolidated Opposition to Petitions for Reconsideration filed by the Part 15 Coalition (the "Coalition") in this proceeding. Any legitimate concerns of the Coalition as to the development of non-multilateration systems can be addressed without impairing the ability of highway, rail, and inter-modal transportation planners to read tags on vehicles using antennas located more than 15 meters above ground.

Amtech made quite clear in its original Petition for Partial Clarification and Reconsideration filed April 24, 1995, and in its most recent petition that current applications of modulated backscatter non-multilateration tag systems from time-to-time require tag readers to be located more than 15 meters above ground because the tags being read are several meters above ground. Usually, this is to accommodate elevated highways or railways or to permit unloading cranes that move containers to and from ships and rail cars or trucks to ensure that cargo is correctly identified and placed. Such installations employ directional antennas, which are typically canted downward away from the radio horizon and have been routinely licensed for

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years<sup>1</sup>. The current rule limiting height and power would preclude operations that address important transportation needs and that can be configured so as to present no more of an interference problem than systems operating with 30 watts ERP at 15 meters above ground.

Just as Amtech used the occasion of its May 30, 1996, petition to remind the Commission of the need to address such situations in the ultimate disposition of PR Docket 93-61, the Coalition seized the opportunity in its Opposition to complain of a scenario that was not envisioned in either of Amtech's petitions.<sup>2</sup> The Commission should try to move past the rhetoric and mistrust that this proceeding has engendered among parties in order to fine tune

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<sup>1</sup>As Amtech noted in its April 24, 1995, petition, in a few cases, railroads require antennas that are placed at ground level using more than 30 watts ERP, but which are directed at a 45° angle in order to read the identity of rail cars moving along parallel tracks that are too close to provide clearance for cars and personnel if an antenna is installed on a short post between the tracks.

<sup>2</sup>Most of the Coalition's arguments deal with multilateration systems and not with Amtech. Most of Amtech's May 30, 1996, petition deals with emission mask issues not discussed by the Coalition. The Coalition takes issue, however, with one paragraph of Amtech's petition wherein Amtech notes that the Commission has not yet addressed the height-power issues raised in Amtech's first petition for reconsideration. In dealing with this one paragraph the Coalition posits a system more like a conventional land mobile system and unlike modulated backscatter operations; it then expresses fears that the Part 15 "safe haven" of the non-multilateration allocation would be impaired if the relief sought by Amtech were granted. Notwithstanding the Coalition's assertion to the contrary, there is nothing procedurally improper in Amtech's May 30, 1996, petition. The Commission's *Order on Reconsideration* did not address a significant issue raised in Amtech's April 24, 1995, petition. As such, Amtech urged the Commission to make provision for operations that require antennas above 15 meters above ground and offered a means for so doing that would create no more potential for interference than systems operating at 15 meters above ground with 30 watts ERP. Amtech's May 30, 1996, petition referred to its April 24, 1995, petition, which set forth with particularity the changes that Amtech urged the Commission to make. Petition for Partial Clarification and Reconsideration (April 24, 1995) at 9-13.

its effort to fashion regulations that stifle neither Part 15 interests, the non-multilateral systems, nor the multi-lateralization system proponents.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 1996, I caused copies of the foregoing "Reply to Opposition" to be mailed via first-class postage prepaid mail to the following:

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